

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMCAST CABLE COMMUNICATIONS,
LLC; TV WORKS, LLC; and COMCAST MO
GROUP, INC.

Plaintiffs,

v.

SPRINT COMMUNICATIONS COMPANY
L.P.; SPRINT SPECTRUM L.P.; and
NEXTEL OPERATIONS, INC.

Defendants,

SPRINT COMMUNICATIONS COMPANY
L.P.; SPRINT SPECTRUM L.P.; and
NEXTEL OPERATIONS, INC.

Counterclaim-Plaintiffs,

v.

COMCAST CABLE COMMUNICATIONS,
LLC; COMCAST IP PHONE, LLC;
COMCAST BUSINESS
COMMUNICATIONS, LLC; and COMCAST
CABLE COMMUNICATIONS
MANAGEMENT, LLC,

Counterclaim-Defendants.

**[PROPOSED] ORDER GRANTING SPRINT'S MOTION IN LIMINE OF DR. ROBERT
AKL AND MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT
REGARDING SPRINT'S NON-SYNIVERSE MESSAGING SERVERS**

Having considered Defendants Sprint Communications Company L.P., Sprint Spectrum L.P. and Nextel Operations, Inc. (collectively, "Sprint")'s Motion in Limine of Dr. Robert Akl and Motion for Summary Judgment of Non-Infringement Regarding Sprint's Non-Syniverse Messaging Servers, and for good cause shown, this Court hereby orders that:

- (1) Comcast expert Dr. Robert Akl is excluded from testifying that Sprint's non-Syniverse messaging servers are external to its "cellular network" as that term in the asserted claims of U.S. Patent No. 6,885,870 ("the '870 Patent") has been construed by the Court;
- (2) The use of Sprint's non-Syniverse messaging servers does not infringe asserted claims 1, 7 and 113 of the '870 Patent.

Dated: _____, 2016

The Honorable Jan E. DuBois
United States District Court Judge

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COMCAST BUSINESS
COMMUNICATIONS, LLC; and COMCAST
CABLE COMMUNICATIONS
MANAGEMENT, LLC,

Counterclaim-Defendants.

Civil Action File No. 2:12-cv-00859-JD

**SPRINT'S MOTION IN LIMINE OF DR. ROBERT AKL AND
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT
REGARDING SPRINT'S NON-SYNIVERSE MESSAGING SERVERS**

Defendants Sprint Communications Company L.P., Sprint Spectrum L.P. and Nextel Operations, Inc. (collectively, "Sprint") respectfully move this Court to exclude Comcast expert Dr. Robert Akl from testifying that Sprint's non-Syniverse messaging servers are external to its "cellular network" as that term has been construed by the Court.

Based on the exclusion of Dr. Akl and Comcast's failure of proof, Sprint further moves this Court to grant summary judgment in Sprint's favor that Sprint's use of the accused non-Syniverse messaging servers do not infringe asserted claims 1, 7 and 113 of U.S. Patent No. 6,885,870 (the "'870 Patent").

This Motion is accompanied by Sprint's Brief in Support, Statement of Material Facts, and Declaration of Justin R. Lowery, which are incorporated herein by reference, as well as a Proposed Order.

Dated: October 12, 2016

By: /s/ Justin R. Lowery

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